

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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96 BROADWAY, LLC, ET AL.,

plaintiffs,

-against-

THE CITY OF NEWBURGH, ET AL.,

defendants,

NOTICE OF MOTION

07 CIV. 6689 (SCR)

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SIRS:

PLEASE TAKE NOTICE that upon the annexed declaration of Nicholas A. Pascale, Esq. dated October 19th, 2007, the exhibits annexed thereto, and upon all the prior pleadings and proceedings heretofore had herein, the undersigned will move this Court before the Honorable Stephen C. Robinson at the United States District Court, Southern District of New York, in White Plains, New York on the 19th day of December, 2007 at 10:00 o'clock in the forenoon of that day for an order:

1. To dismiss the Complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure ("FRCP"); and
2. For such other and further relief as to this Court may seem just, proper, and equitable including the costs and reasonable counsel fees incurred in these proceedings.

PLEASE TAKE FURTHER NOTICE that pursuant to the order of this Court, answering affidavits and opposing memoranda of law ,if any, must be served upon the undersigned on or before the 19th day of

November, 2007 and this moving party's reply papers, if any, are to be served and filed on or before the 19th day of December, 2007.

Dated: Newburgh, New York
October 19th, 2007

Yours, etc.,

TARSHIS, CATANIA, LIBERTH,
MAHON & MILLIGRAM, P.L.L.C.

By: 

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